EXHIBIT C

Page 1

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

----x

EDWARD SHIN,

Plaintiff,

-against-

YS2 ENTERPRISES INC., MICHAEL S. WANG,
VICTORIA WANG AS TRUSTEE OF THE RICHARDSON
IRREVOCABLE TRUST, TERRANCE WU, DEH-JUNG
DEBORAH WANG, and YOUNG K. LEE

Defendant.

- - - - - - - x

1270 Broadway
New York, New York 10001
May 21, 2019
1:15 p.m.

EXAMINATION BEFORE TRIAL of DANIEL PARK, a Non-Party Witness herein, taken by MS.

BERKOWITZ, in the above-entitled action, held at the above time and place, pursuant to Subpoena, taken before CHRISTA M. MILOSCIA, a Shorthand Reporter and Notary Public within and for the State of New York.

Magna Legal Services
(866)624-6221

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Page 2
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 2
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            New York, New York 10001
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            Attorneys for Defendant
            YOUNG K. LEE
16
            26 Court Street
            Brooklyn, New York 11242
17
       BY: STEVEN J. WEISSLER, ESQ.
18
19
20
21
2.2
    ALSO PRESENT:
23
       EESHA MALYALA - SITTING IN WITH CHARTWELL
       LAW
24
25
```



Page 3 1 STIPULATIONS 2 3 IT IS STIPULATED AND AGREED by and between the attorneys for the respective parties 4 5 herein, and in compliance with Rule 221 of the Uniform Rules for the Trial Courts: 6 THAT the parties recognize the provision of 7 Rule 3115 subdivisions (b), (c) and/or (d). 8 9 All objections made at a deposition shall be noted by the officer before whom the 10 deposition is taken, and the answer shall be 11 12 given and the deposition shall proceed subject to the objections and to the right of a person 13 14 to apply for appropriate relief pursuant to Article 31 of the CPLR; 15 THAT every objection raised during a 16 deposition shall be stated succinctly and 17 18 framed so as not to suggest an answer to the deponent and, at the request of the 19 questioning attorney, shall include a clear 20 statement as to any defect in form or other 21 basis of error or irregularity. Except to the 22 23 extent permitted by CPLR Rule 3115 or by this rule, during the course of the examination 24 persons in attendance shall not make 25



Page 4 1 2 statements or comments that interfere with the 3 questioning. THAT a deponent shall answer all questions 4 5 at a deposition, except (i) to preserve a privilege or right of confidentiality, (ii) to 6 enforce a limitation set forth in an order of 7 a court, or (iii) when the question is plainly 8 9 improper and would, if answered, cause significant prejudice to any person. 10 attorney shall not direct a deponent not to 11 answer except as provided in CPLR Rule 3115 or 12 this subdivision. Any refusal to answer or 13 14 direction not to answer shall be accompanied 15 by a succinct and clear statement on the basis therefore. If the deponent does not answer a 16 question, the examining party shall have the 17 right to complete the remainder of the 18 19 deposition. 20 THAT an attorney shall not interrupt the deposition for the purpose of communicating 21 with the deponent unless all parties consent 22 23 or the communication is made for the purpose of determining whether the question should not 24 25 be answered on the grounds set forth in



Page 5 1 Section 221.2 of these rules, and, in such 2 event, the reason for the communication shall 3 be stated for the record succinctly and 4 5 clearly. THAT the failure to object to any question or to move to strike any testimony at this 7 examination shall not be a bar or waiver to 8 make such objection or motion at the time of 9 the trial of this action, and is hereby 10 reserved; and 11 THAT this examination may be signed and 12 sworn to by the witness examined herein before 13 any Notary Public, but the failure to do so or 14 15 to return the original of the examination to the attorney on whose behalf the examination 16 is taken, shall not be deemed a waiver of the 17 rights provided by Rules 3116 and 3117 of the 18 C.P.L.R, and shall be controlled thereby; and 19 THAT the certification and filing of the 20 original of this examination are hereby 21 waived; and 22 23 THAT the questioning attorney shall provide counsel for the witness examined herein with a 24 copy of this examination at no charge. 25



```
Page 6
                      D. PARK
1
   D A N I E L P A R K, the Witness
2
   herein, having been first duly sworn by
3
4
   a Notary Public of the State of
5
   New York, was examined and testified as
6
   follows:
7
   EXAMINATION
8
   BY MS. BERKOWITZ:
9
         Q. State your name for the record,
10
    please.
11
         A. Daniel Park.
12
         Q. Good afternoon, my name is
     Janice Berkowitz. I'm with the law
13
14
     firm which represents YS2, which we're
15
    calling the "karaoke club" in this
16
     lawsuit brought by Edward Shin.
17
            I'm going to ask you some
18
    questions today. You're being
19
     represented by the attorney on your
20
     right, David Cohen; is that correct?
         A. Yes.
21
22
         Q. Do you have an office in the
23
     space we're at right now?
        A. This office.
24
25
         Q. Are you the tenant?
```



```
Page 7
1
                      D. PARK
2
         A. Yes.
3
         Q. And do you lease space to the
4
     Basil Law Group?
5
         A. Yes.
6
         Q. And how long have you been doing
7
     that for?
8
         A. 10 years, I believe.
9
         Q. 10 years?
10
         A. Yeah.
11
               MR. WEISSLER: Mr. Park, can
12
         you keep your voice up because I
13
         can't hear you down here?
14
         Q. So you've known Mr. Basil for
15
     about 10 years?
16
         A. Yes.
17
         Q. Did you know him before he
18
     started leasing space here?
19
         A. No.
20
         Q. Are you friends with Mr. Basil?
21
         A. Before, no.
22
         Q. What about right now, since he's
23
     related to this case?
24
        A. Close.
25
               MS. NICOLAOU: Just speak
```



```
Page 8
1
                      D. PARK
2
         up.
3
         Q. And does he refer business to
4
     you?
5
         A. Not really.
6
         Q. Do you refer business to him?
7
         A. Maybe once or twice.
8
         Q. And do you have any common
9
     clients?
10
         A. Yes, yes, but it's not on a
11
     regular basis. I referred him a couple
12
     of times, I believe, if he can call the
     clients, I quess.
13
14
         Q. And do you know Noah Bank?
15
         A. Yes, I do.
16
         Q. What's your relationship with
17
     Noah Bank?
18
         A. I mean, all of my clients use
19
    Noah Bank and they borrow money for
20
    Noah Bank, for loans, that's how I know
21
     them.
22
         Q. You're a CPA?
23
        A. Yes.
24
         Q. So you refer your clients to
     Noah Bank?
25
```



```
Page 9
1
                      D. PARK
2
         A. Couple of times.
3
         Q. And are you the CPA for
     Noah Bank?
4
5
         A. No.
6
         Q. And how do you know Edward Shin?
7
         A. Through the client, you know, my
8
     client, you know, they ask me to send
9
     them papers and e-mail them papers and,
10
     you know, as time goes I just get to
11
    know them because I start to talk to
12
    them about the laws and what they want.
13
         Q. And that's how you know
     Mr. Shin, through Noah Bank?
14
         A. Yes.
15
         Q. And how many years have you
16
17
     known him through Noah Bank?
18
         A. 15 maybe, 15 years.
19
         Q. And would you describe your
20
     friend -- are you friends with
21
     Mr. Shin, do you socialize together?
22
         A. Not really.
         Q. Okay. So it's more of a
23
24
    business relationship?
25
         A. Yes.
```



```
Page 10
                      D. PARK
1
2
         Q. All right.
3
            Now, I want to direct your
     attention to April 21st, 2017, when
4
5
     this incident happened which we're here
6
     about today.
7
        A. Okay.
8
         Q. Did you go to the karaoke bar
9
     that night?
10
         A. Yes.
11
         Q. And what time did you arrive?
12
         A. Must be about 9:30 or 10.
13
         Q. And did you arrive by yourself?
         A. No, I had two other people with
14
15
    her.
16
         Q. And who were those two other
    people?
17
18
         A. One was my client, the other one
     was somebody I saw for the first time.
19
20
               MR. WEISSLER: Can you read
21
         that back, please?
22
               (Whereupon, the record was
23
         read by the reporter.)
         Q. Who was the client?
24
25
         A. Mr. Hong, H-O-N-G.
```



```
Page 11
                      D. PARK
1
2
               MR. WEISSLER: I'm sorry.
3
         Q. You have to really speak up.
4
         A. Mr. Hong, H-O-N-G, that was my
     client and the other person Lee, that's
5
6
     someone I saw for the first time.
7
         Q. Is that Chung Lee or Young Lee?
8
         A. Young Lee, I believe.
9
         Q. Young Lee?
10
         A. Young Lee.
11
         Q. And when you got to the karaoke
     bar, did you go into a room?
12
13
         A. Yes.
14
         Q. Did you have a rearranged
15
    meeting with Young Lee and Mr. Hong?
16
         A. Yeah, we had dinner together.
17
         Q. You had dinner together before?
         A. Yeah.
18
19
         Q. Where'd you have dinner?
20
         A. It's on the corner of the
21
    Northern Boulevard and Union Street;
     Keum Kang San, K-E-U-M, K-A-N-G, S-A-N.
22
23
         O. And was it a business dinner?
24
         A. Pretty much social, like a
25
     social dinner, no business.
```



```
Page 12
1
                      D. PARK
2
         Q. So Mr. Hong was your client?
3
         A. Yes.
4
         Q. And did he bring Mr. Young Lee?
5
         A. Yes, he was there. There was
6
     several other people there anyway.
7
         Q. Was that the first time you had
8
     met Young Lee?
         A. Yes.
9
10
         Q. Did you see -- did you observe
11
    Mr. Young Lee drink any alcohol at the
12
     dinner?
13
         A. Yes.
14
         Q. And what did you observe him
15
     drink?
16
        A. Soju.
17
         Q. Soju, how much?
18
         A. I wouldn't know how much but I
     was drinking, everyone basically was
19
20
    drinking?
21
               MR. WEISSLER: I'm sorry.
22
         Maybe I'm hard of hearing, did he
23
         drink soda?
24
               MS. BERKOWITZ: Soju; it's a
25
         Korean vodka.
```



```
Page 13
1
                     D. PARK
2
               MS. NICOLAOU: Do you want
3
        to?
4
         O. It's Korean vodka, at least
5
     that's what I think it is.
            It's Korean vodka, right?
6
7
        A. Yes.
8
         Q. So when you saw Mr. Young Lee
9
    drinking the Soju, was he drinking it
     in shots or in a glass or what?
10
11
        A. I believe it was shot, that's
12
    how we usually drink.
13
        Q. Did you see how many shots he
14
    had?
15
        A. I have no idea.
16
         Q. Okay. And when you left the
17
     dinner, who did you leave with?
18
        A. Just us three.
19
         Q. Did Mr. Young Lee appear
20
     intoxicated when he left the dinner?
21
         A. I would say so because I was
     drunk obviously, and I believe he was
22
23
    drunk, too.
24
         Q. And what led you to believe
     that? Was it his behavior, his
25
```



```
Page 14
1
                      D. PARK
2
     appearance?
3
         A. Both; walking, the way he talks,
4
     keeps his voice really loud when people
5
     get drunk(sic).
         Q. Was it a happy loud or an angry
6
7
     loud?
8
         A. Happy.
9
         Q. How was -- how was he walking,
10
     which led you to believe he was
11
     intoxicated?
12
         A. Not straight.
13
         Q. Okay. And where was the dinner?
14
     Where'd you say the dinner was; what
15
     town?
16
         A. In Flushing.
17
         Q. In Flushing?
18
         A. Yep.
19
         Q. And how did you get to the
20
     karaoke club?
21
         A. I think somebody in the group
22
     drove us there.
23
         Q. And what time did you arrive?
24
         A. I think it's 9:30 or 10.
25
         Q. And where did you go when you
```



```
Page 15
1
                      D. PARK
2
     arrived?
3
         A. Upstairs -- upstairs to the
4
     room.
5
         Q. And how'd you get upstairs?
6
         A. By walking obviously.
7
         Q. And when you got upstairs, what
8
     did you do?
9
         A. Went into the room, order
     Johnnie Walker.
10
11
               MR. WEISSLER: I'm sorry,
12
        what did you order?
13
               MS. BERKOWITZ: Johnnie
14
         Walker.
15
         Q. Did anyone from the karaoke bar
16
     meet you when you walked in?
17
         A. They obviously greeted us.
18
         Q. Do you know who greeted you?
19
         A. No idea who; waiters.
20
         Q. Do you know the waiters' names?
21
         A. No.
22
         Q. When the waiter greeted you and
23
    he took you into the room, was it just
24
    you, Young Lee, and Mr. Hong?
25
         A. Yes.
```



```
Page 16
1
                      D. PARK
2
         O. And who ordered the bottle of
3
     Johnnie Walker?
4
         A. I think it was Mr. Hong.
5
         Q. Okay. And when the waiter
6
     brought it in, did he place it on the
7
    table?
8
         A. Yes.
9
         Q. Did the waiter pour any drinks?
10
         A. No, usually -- no, no, no.
11
         Q. Okay. And did you see Young Lee
     have any of the Johnnie Walker?
12
13
         A. Yes.
14
         Q. And how much did you see him
15
     drink?
16
         A. That I -- I think we ordered two
17
    bottles.
18
         Q. I just want to know specifically
19
    how much you saw Young Lee drink. If
20
    you don't know then you don't know, I
21
     don't want you to guess.
22
         A. I don't know.
23
         Q. Did you have any conversations
24
     with Young Lee about his drinking?
25
         A. About his drinking.
```



```
Page 17
1
                      D. PARK
2
         Q. Right, about how much he was
3
     drinking or if he was intoxicated or
4
     anything like that?
5
         A. No.
6
         Q. Did you see anyone from the
7
    karaoke club have any conversations
    with Mr. Lee?
8
9
         A. Yeah, of course.
         Q. Any conversations about his
10
11
     drinking or his intoxication?
12
         A. Not that I can remember.
13
         Q. Okay. At some point did Mr.
14
     did you leave the room and go get
15
    Mr. Shin in the other room?
16
         A. No, I bumped into Mr. Shin, I
17
    believe it was in the restroom -- men's
18
    room. I said obviously, "Hi."
19
         Q. What time was that?
20
         A. I got there 9:30, 10, so
21
    probably around 11. After a while or
22
     so.
23
         Q. Okay. And when you bumped into
    him and said, "Hello," then what
24
    happened?
25
```



```
Page 18
1
                      D. PARK
2
        A. I realized him in the next room
3
     so I basically said, have a nice time,
     that's it.
4
5
         Q. Did you bring him into your
6
     room?
7
        A. No, he just came to my room.
8
         Q. You didn't bring him in?
         A. No.
9
         Q. Okay. What time did Mr. Shin
10
11
     come into your room?
12
         A. 11, 11:30, shortly after I met
13
    him.
14
         Q. When you saw him in the
15
     bathroom, did he appear intoxicated?
         A. Yes.
16
17
         Q. All right.
18
            Then when he came into your
     room, what happened?
19
20
         A. I introduced the other two
21
     person to Mr. Shin and they started to
22
     talk, you know, "This is his banker,"
23
     "Mr. Hong is running a business," you
24
     know, if you need anything, you know, I
     just introduced them(sic).
25
```



```
Page 19
1
                      D. PARK
2
               MR. WEISSLER: Off the
3
         record.
4
               (Whereupon, the record was
5
         read by the reporter.)
         Q. What kind of business does
6
7
    Mr. Hong have?
8
         A. A salad bar.
9
         Q. Did Mr. Shin and Young Lee have
     any business discussions?
10
11
         A. Not business discussions,
12
    basically introductions.
13
         Q. And how long did Mr. Shin stay
     in your room?
14
         A. Not too long, he drink, I don't
15
    know maybe one or two glasses in my
16
17
     room and left(sic).
18
         Q. And he went back to his room?
19
         A. Yes.
20
         Q. Okay. Are you able to say how
21
    much Young Lee drank?
22
         A. I mean if you talk about how
    many glasses, I wouldn't know but he
23
24
     looks pretty drunk.
         Q. And what makes you say that?
25
```



```
Page 20
1
                      D. PARK
2
         A. He couldn't walk straight,
3
     that's all.
4
         O. You saw him walking in the room
5
     or outside of the room?
6
         A. When he was going outside, going
7
     to restroom.
8
         O. And what else besides he
9
     couldn't walk straight led you to
     believe he was drunk?
10
11
         A. You know, when he talks,
12
    mumbling.
13
         Q. And without guessing, did you
     see anybody that you thought to be
14
15
     employed by the karaoke bar observe
16
     Mr. Lee's walking and mumbling?
17
         A. There's always people outside
18
     the hallway.
19
         Q. I just want to know if you
20
     specifically know if you observed
21
     anyone employed by the karaoke bar
22
     specifically observe Mr. Young Lee?
23
               MR. COHEN: Objection to the
24
         form; you can answer.
25
         A. Because he couldn't really walk
```



```
Page 21
                      D. PARK
1
2
     straight. If I remember correctly, I
3
     think the one waiter was, you know,
4
    taking him to the restroom.
5
         Q. Okay. Do you know the waiter's
6
     name?
7
        A. No idea.
8
         O. What did he look like?
9
         A. In his 30's, well-built, I mean
10
     -- Korean.
11
         Q. Did you have any conversations
     with the waiter about Young Lee?
12
13
        A. No.
14
         Q. Did you see anybody employed by
15
    the karaoke bar pour Mr. Young Lee a
16
     drink?
17
         A. Yeah.
18
         Q. No, actually pour him a drink,
19
     not put the alcohol on the table but
20
     actually pour a drink?
         A. Yes.
21
22
         Q. Who pours?
23
         A. Girls who are working in the
24
    karaoke bar.
25
               MR. WEISSLER: I'm sorry.
```



```
Page 22
1
                      D. PARK
2
                (Whereupon, the record was
3
         read by the reporter.)
4
         Q. And how do you know they worked
5
     in the karaoke bar?
6
         A. How -- how could you not know?
7
         Q. I don't know, I wasn't there.
8
         A. I mean, they worked there to
9
     serve.
10
         Q. How do you know that?
11
         A. I mean how would I not know? I
12
     mean, people were working there, girls
13
    were working there.
14
         Q. And you saw a girl pour Young
     Lee a drink?
15
16
         A. Yeah.
17
         Q. How many drinks?
18
         A. I mean if you keep asking
     specific numbers.
19
20
         Q. I want specific numbers.
21
         A. I don't know.
22
         Q. Okay.
23
         A. But either me, Mr. Lee,
24
    Mr. Hong, we had finished up two
     bottles of Johnnie Walker.
25
```



```
Page 23
1
                      D. PARK
2
         Q. Right, but I'm only asking about
3
     Young Lee and what you specifically
4
     know, if you can't give me a specific,
5
     just say you can't give me a specific.
6
               MR. COHEN: Do you have a
7
         question.
8
         Q. How many drinks did you see the
9
     girls pour Young Lee?
10
         A. At least 10.
11
         Q. You saw her pour 10 drinks for
12
    Mr. Young Lee?
13
         A. At least. We stayed there for,
     I don't know, maybe three hours or so.
14
15
         Q. At some point did you fall
16
     asleep on the couch?
17
         A. Yes.
18
         Q. And what time was that?
         A. Shortly after Mr. Shin came to
19
20
     our room and once after he left, I
21
     believe I fell asleep.
22
         Q. Do you know what time that was?
23
         A. Around 12, I think.
         Q. And what time did you wake up?
24
25
         A. Maybe two.
```



```
Page 24
1
                      D. PARK
2
         Q. And were you a witness to this
3
     incident?
        A. No.
4
5
         Q. And when you woke up at two, was
6
     anybody still there?
7
         A. I don't really remember. I just
8
     asked the waiter to get me a cab and I
     just left.
9
         Q. And do you know who paid for the
10
11
     bill for the room that Young Lee was
12
     in?
13
         A. It was Mr. Hong, I didn't ask
     but obviously it must be Mr. Hong.
14
15
         Q. I don't want you to guess, do
16
    you know for sure?
17
         A. No.
18
         Q. Did you speak with Mr. Shin
19
     leading up to this deposition? Did you
20
     tell him that you were coming in today?
21
         A. I don't think so, no, no.
22
         Q. When was the last time you
23
     talked to him?
24
         A. Few weeks ago -- few weeks ago
25
     about, you know, a mutual client.
```



```
Page 25
1
                      D. PARK
2
         Q. Okay.
3
         A. He was inquiring me about how
4
     they are doing business.
5
         Q. Okay. So how many clients do
     you have in common?
6
         A. Five, 10, between.
7
8
         Q. And so are you still doing
     business with him?
9
10
         A. Not with him, with the bank.
11
         O. With the bank?
12
         A. Basically my clients are
13
    borrowing -- borrowed money from
14
    Noah Bank.
15
         Q. And that's about five or 10
     clients?
16
17
         A. Yes.
18
         Q. Did you give any written
     statements to Mr. Basil or anybody in
19
20
    his law firm?
21
        A. About?
22
         Q. This incident.
23
        A. No.
24
         Q. Any written statements or
     recorded statements about this
25
```



```
Page 26
1
                      D. PARK
2
     incident?
3
         A. No.
4
         O. And without telling me what was
5
     discussed, when was the first time that
6
     you met with Mr. Basil about this
7
    incident?
8
         A. Few weeks after that.
9
         Q. What happened?
         A. I believe Mr. Shin went to
10
11
     Mr. Basil and that's when I realized.
         Q. What did you realize?
12
13
         A. That Mr. Shin is suing the
14
     karaoke bar.
         Q. Okay. And did Mr. Shin ask you
15
16
     to be a witness in this lawsuit for
17
     him?
18
        A. No.
19
         Q. Do you know that you've been
20
     identified as a witness in this
21
     lawsuit?
22
         A. Yeah, because -- yeah, Mr. Basil
23
     told me I may have to be on deposition
24
     so that's when I realized, I may be one
25
     of the witnesses(sic).
```



```
Page 27
1
                      D. PARK
2
         Q. Okay. And what are you a
3
     witness to?
         A. The fact that I was there.
4
5
         Q. And how many other meetings did
6
     you have with Mr. Basil after that
7
     first meeting?
8
         A. About this incident?
9
         Q. About this case.
10
         A. Maybe once. I don't know.
11
         O. Okay. When was that second
12
    meeting?
         A. I'm not sure if you can call it
13
14
     a meeting because we're in the same
15
     suite anyway.
16
         Q. So you see him every day?
17
         A. Yes, of course. I was told
18
     depositions are coming, that's it.
19
         Q. You were told what?
20
         A. Deposition --
21
         Q. Oh, depositions are coming?
22
         A. So I just asked him, let me know
23
     when.
         Q. And did you meet with Mr. Basil
24
     or anybody in his firm to prepare for
25
```



```
Page 28
1
                      D. PARK
2
     today?
3
         A. No, they just told me, you know,
4
     just tell them what happened.
5
         Q. And you did not witness the
     fall?
6
7
        A. No.
8
         Q. Okay. All right.
9
            I'm going to pass it to you.
10
    EXAMINATION
11
   BY MS. NICOLAOU:
         Q. Mr. Park, my name is Carmen
12
13
    Nicolaou. I represent various owners
    of the property where the accident
14
15
    occurred, I just have some follow-up
    questions. I'm going to ask that you
16
17
    wait until I finish asking the question
18
    before answering it, obviously speak
19
    up, you're a soft spoken gentleman,
20
     really try to keep your voice up so we
21
     can hear you clearly and so my
     Counselor over here doesn't have to
22
23
    yell at you to raise your voice because
24
    he cannot hear you.
25
         A. Okay.
```



```
Page 29
1
                      D. PARK
2
         Q. If you don't understand the
3
     question, please let me know, I'll be
4
     happy to rephrase it.
5
            I understand English is not your
     primary language, right?
6
7
         A. Yes.
8
         Q. And you're comfortable in
     English?
9
10
         A. Yes.
11
         Q. And the questions that were just
12
     asked, you understand everything that
     was asked --
13
14
         A. Yes.
15
         Q. You answered truthfully and
16
     honestly; is that right?
17
         A. Yes.
18
         Q. Okay. And if you answer my
19
     question and you don't tell me you
20
     don't understand it, I can only assume
21
     you understood it so it's very
22
     important to let me know when you don't
23
     understand the question.
24
        A. Yes.
         Q. Okay. Mr. Park, I understand
25
```



```
Page 30
1
                      D. PARK
2
     you know Mr. Basil for about 10 years,
3
    correct?
        A. Yes.
4
5
         Q. And the connection, so to speak,
6
     is that your landlord, so to speak?
7
        A. Yes.
8
         Q. And you rent space to him for
9
     his firm; is that right?
         A. Yes.
10
11
         Q. And you've known Mr. Shin longer
12
     than you've known Mr. Basil; is that
13
     right?
14
         A. Yes.
         Q. Have you done work for the bank
15
     as the accountant? And the "bank"
16
     meaning, just to be clear, Noah Bank?
17
18
         A. A couple of times.
19
         Q. A couple of times?
20
         A. Yes.
21
         Q. You've also done work for
22
     Mr. Shin; is that correct, as an
23
     accountant?
24
        A. For one year.
         Q. For one year?
25
```



```
Page 31
                     D. PARK
1
2
         A. Yes.
3
         Q. And in addition to that, you've
4
    referred people to the bank; is that
5
     right? For business; is that right?
6
         A. Couple of times, yes.
7
         Q. Yes. And you also -- do you
8
    have shares in Noah's Bank(sic)?
        A. No.
9
10
         Q. Do you have any ownership
11
     interest in Noah Bank?
12
               MR. COHEN: Just for the
13
         record, it's Noah Bank.
14
               MR. WEISSLER: Can you spell
        Noah Bank for us?
15
16
               THE WITNESS: N-O-A-H.
17
               MR. WEISSLER: Do those
18
        initials stand for anything or
19
         Noah Bank?
20
               MS. NICOLAOU: Thank you,
21
         Steve. Anymore questions?
22
               MR. WEISSLER: I'll save it
23
         for later.
24
         Q. And you've known Mr. Shin for 15
    years?
25
```



```
Page 32
                      D. PARK
1
2
         A. Yes.
3
         Q. And so it would be fair to say
4
     that you've done work for Mr. Shin and
5
     Noah Bank in the past 15 years?
6
         A. Only on the few occasions.
7
         Q. The few occasions?
8
         A. Yeah.
9
         Q. Done work for them, right?
         A. Yeah.
10
11
         Q. Okay. And what is your
    understanding of Mr. Basil's
12
13
     relationship with Noah Bank?
14
         A. I mean, my understanding, when
15
    bank has any problems, uncollectible
16
     loans, I think that Mr. Shin hired
17
     Mr. Basil as an outside lawyer(sic).
18
         Q. As an outside attorney to handle
19
     those?
20
         A. Correct.
         Q. So your understanding is that
21
22
     Mr. Basil also represents Noah Bank in
23
     various legal matters; is that right?
24
        A. Yes.
25
         Q. And you've known this since --
```



```
Page 33
                      D. PARK
1
2
     you've known this since you've known
    Mr. Basil; is that right?
3
        A. Yes.
4
5
         Q. Did you introduce Mr. Basil to
6
    Noah Bank or was that relationship
    already established by the time you
7
8
    already met Mr. Basil?
9
         A. I don't remember. I think they
10
     already known each other.
11
         O. Now, you testified that you went
12
     to a restaurant, I'm not going to
13
    repeat the name but a restaurant that
14
     evening with a group of individuals
15
     including Mr. Young Lee and Mr. Hong;
16
     is that right?
17
         A. Yes.
18
         Q. And that's the first time you
19
     met Mr. Young Lee, correct?
20
         A. Yes.
         Q. And it was your understanding
21
22
     that Mr. Young and Mr. Lee have some
23
     sort of business relationship?
24
         A. Friends, yes.
25
         O. Friends?
```



	Page 34
1	D. PARK
2	A. More of friends.
3	Q. More friends than business?
4	A. Right.
5	Q. What does Mr. Hong do?
6	A. Hong is running a salad bar.
7	Q. What's your understanding to
8	what Mr. Lee does, and I'm referring to
9	Mr. Young Lee?
10	A. I didn't know what he was doing
11	when I first met him that night. My
12	assumption was pretty much everybody in
13	the group was running a salad bar, so I
14	thought maybe he was running a salad
15	bar.
16	Q. Do you run a salad bar?
17	A. No.
18	Q. You just do accounting work?
19	A. Yes.
20	Q. You're a CPA?
21	A. Yes.
22	Q. Now, how many drinks did you
23	have at dinner that night?
24	A. Maybe couple of bottles of Soju.
25	Q. Soju. And when you say, "a



```
Page 35
1
                      D. PARK
2
     couple" are you referring to a few
3
    bottles --
         A. I --
4
5
         Q. Let me finish my question. When
6
     you say "a couple" are you referring to
     a few or something else?
7
8
         A. Maximum of two bottles.
9
         Q. The Soju, how are they served?
10
            The small bottles, something
         Α.
11
     like this (indicating).
12
         Q. A 16 ounce bottle?
13
         A. It's a little bigger I think.
    With the small glasses, they come out
14
15
     to about seven shots.
16
         Q. Every bottle fills about seven
17
     shots?
18
        A. Seven, eight.
19
         Q. So you had at dinner
20
     approximately 16 shots of Soju vodka?
21
         A. Roughly, yes.
22
         Q. And just to be clear, because
23
     I'm not familiar with the vodka, so
     forgive me if I ask you questions that
24
     sound stupid to you, it's because I'm
25
```



```
Page 36
                      D. PARK
1
2
     ignorant to how they're served or what
3
     kind of bottles they're in. Just to be
4
     clear, is the Soju vodka for each
5
     individual person? So, in other words,
6
     you order it yourself and it's for
     yourself or is it a bottle for the
7
8
     entire table or something else?
9
         A. We share.
         O. You share?
10
11
         A. Share the bottle.
         Q. So to be clear, you had about 14
12
13
     shots of vodka that night?
14
         A. Yes.
15
         O. So based on the 14 -- let me ask
16
     you this, did you drink anything else?
17
         A. No, I don't think so.
18
         Q. Just vodka?
19
         A. Yeah.
20
         Q. You didn't water it down?
21
         A. A little bit.
22
         Q. Pretty much vodka?
23
         A. Yes.
24
         Q. You consumed two bottles?
25
         A. Yes.
```



```
Page 37
1
                      D. PARK
2
         Q. So would it be fair to say that
3
     when you left that restaurant that
4
    night to go to the karaoke bar, you
5
    were drunk?
        A. Yes.
6
7
         Q. And you had a hard time staying
8
     on your feet?
         A. Yes.
9
10
         Q. Okay. And how many people were
11
     you with at the dinner table?
12
         A. Roughly 10.
13
         Q. 10 people. And where was
14
    Mr. Lee sitting? Let me ask you this,
15
    was it a round table, small table?
16
         A. Something like this
17
    (indicating).
18
         O. Like a conference room long
19
     table?
20
         A. Yeah, in a restaurant.
21
         Q. And where was Mr. Lee sitting?
22
        A. I believe he was right in front
23
     of me.
24
         Q. Do you have a specific
25
     recollection that night of those
```



```
Page 38
                      D. PARK
1
2
     details of where precisely he was
3
     sitting?
4
         A. Probably for me, because I
5
     remember I been talking to him while I
6
     was eating so must be in front.
7
         Q. Okay. And you testified that
8
     you observed him drinking shots, right?
         A. Yes.
9
10
         Q. Was it the same shots you were
11
     drinking?
12
         A. Yes.
13
         Q. And did you provide a number as
     to how many you observed him drink?
14
15
         A. If -- I mean.
16
         Q. I don't want you to guess, sir,
17
     it's what you know and what you
18
     remember from that night.
         A. At least five, more than five.
19
20
         O. More than five?
21
         A. At least.
22
         Q. So when you were drinking 14
23
     shots of Soju vodka, you remember
24
    Mr. Lee drinking four to five shots of
25
     vodka?
```



```
Page 39
1
                      D. PARK
2
         A. Yes, minimum.
3
         Q. You were counting it?
4
         A. No.
5
         Q. Do you have a bill from that
6
     night?
7
         A. No.
8
         Q. Who paid the dinner that night?
9
         A. I don't know.
10
         Q. Who paid the dinner?
11
         A. I don't know.
         O. You didn't?
12
13
         A. No.
14
         Q. Did Mr. Hong?
         A. Maybe, I don't know.
15
16
         Q. So you left without even paying
     dinner?
17
18
         A. Right.
19
         Q. And you don't know who covered
20
     that tab?
21
                MR. COHEN: Object to the
22
        form.
23
         A. No.
24
         Q. There was a bill there, right?
25
         A. Yeah, I'm sure.
```



```
Page 40
                     D. PARK
1
2
        Q. You weren't sitting there for
3
    free?
4
        A. No.
5
         Q. Do you know who owns the
    restaurant you were at?
6
7
        A. No.
8
               MS. BERKOWITZ: Did we get
9
        an address?
10
               MR. WEISSLER: Northern
11
         Boulevard?
12
         A. I can get it, do you want me to
    get it?
13
14
               MS. BERKOWITZ: Yes.
15
               MR. COHEN: Okay. The
         address is 138-20 Northern
16
17
         Boulevard, Flushing, New York
18
         11354, and the name of the
19
        restaurant is Kum Gang San,
20
         K-U-M, G-A-N-G, S-A-N.
21
              MS. NICOLAOU: N as in
22
         Nancy?
23
              MR. COHEN: N as in Nancy.
24
         Q. Do you know who owns that
    restaurant?
25
```



```
Page 41
1
                      D. PARK
2
         A. No.
3
         Q. Is that a restaurant that you
4
     frequent all the time?
5
         A. Once in a while, yes.
6
         Q. Okay. And at that point you,
7
     Mr. Hong, and Mr. Lee left in the car,
8
     did you go to the karaoke bar?
9
         A. Yes.
10
         Q. Did anybody else accompany you?
11
         A. No.
12
         Q. Other than the three of you?
13
         A. No.
14
         O. Who drove?
15
         A. The -- one of the person who
     was -- who had the dinner together, he
16
17
     dropped us off on his way home(sic).
18
         Q. What's his name?
19
         A. No idea, I don't know.
20
         Q. You don't know who he is?
21
         A. No.
22
         Q. Was it a group of 10 people --
23
     you guys were all men, right?
24
         A. Yeah.
25
         Q. A group of 10 men came to go out
```



```
Page 42
1
                      D. PARK
2
     to dinner at this restaurant that
    night?
3
4
         A. I thought it was Mr. Hong's
5
     friend's gathering, I was the only one
6
     who knew in the group on that night.
7
         Q. Were you invited --
8
         A. By Mr. Hong. He was having
9
     dinner with his friends and he said we
     should have dinner together, maybe we
10
11
     can introduce some people, that's what
12
    happened.
13
         Q. So it was more of a come by,
     have dinner with my friends, maybe you
14
15
     can get some business?
16
         A. Right.
17
         Q. Okay. And then when you were
18
     dropped off at this karaoke bar, had
19
     you been to the karaoke bar before that
20
    night?
21
         A. Before -- yes.
22
         Q. Would you consider yourself a
23
     regular patron of this karaoke bar?
24
        A. Once a month.
25
         Q. Are you a member?
```



```
Page 43
1
                      D. PARK
2
         A. No.
3
         Q. How do you go once a month if
4
     you're not a member, do you go as
5
     someone's quest?
         A. Visitor, I don't think it's a
6
7
     membership club.
8
         O. It's not?
9
         A. You can just walk in.
         Q. Do you know if reservations were
10
11
     made for the karaoke bar?
12
         A. If the reservation was made on
13
     that night?
14
         Q. For that night, when you went.
15
         A. I don't know.
16
         Q. Whose idea was it to go to the
17
     karaoke bar?
18
         A. Mr. Hong.
19
         Q. You gone to the karaoke bar with
20
     Mr. Hong before?
21
         A. No.
22
         Q. And how long have you known
23
     Mr. Hong?
24
         A. At the time, about two years
25
     maybe.
```



```
Page 44
                      D. PARK
1
2
         Q. And how do you know him?
3
         A. I was introduced by -- I don't
    know -- somebody to do accounting work
4
5
     for his business.
6
         Q. Okay. So you're Mr. Hong's
     accountant for his salad bar business?
7
8
         A. Yes.
9
         Q. You still are today?
10
         A. Yes.
11
         Q. And in order to go into the
     karaoke bar, did you go up the stairs?
12
13
         A. Yes, we walked up.
14
         Q. Are you aware whether or not if
15
     there's an elevator in that building?
16
         A. There's something that looks
17
     like an elevator but I don't know if
     it's working so we just walked up.
18
19
               MS. BERKOWITZ: Move to
20
         strike anything that's not
21
         responsive.
22
               MS. NICOLAOU: Yeah, I join.
         Q. Mr. Park, when you had visited
23
24
    the karaoke bar on prior occasions, did
25
    you always take the staircase?
```



```
Page 45
1
                      D. PARK
2
         A. Yes.
3
         Q. Was there ever a time where you
    used the elevator?
4
5
         A. No.
         Q. Okay. And I believe you said
6
    you went upstairs with Mr. Hong and
7
8
    Mr. Lee?
         A. Yes.
9
10
         Q. Was Mr. Hong intoxicated?
11
         A. Yes.
12
         Q. Do you know how much he had to
     drink?
13
14
         A. About same as me.
15
         Q. About 14 glasses -- shot glasses
16
     of Soju?
17
         A. Maybe a little, yes, but.
         Q. Let me finish my question. This
18
19
     is not a conversation okay.
20
         A. Okay.
21
         Q. So your recollection was that
22
     you were intoxicated, Mr. Lee was --
    Young Lee was intoxicated, Mr. Hong was
23
24
    intoxicated?
25
         A. Yes.
```



```
Page 46
1
                      D. PARK
2
         Q. How long did it take you from
3
     the restaurant to the karaoke bar -- to
4
     get to the kareoke bar?
5
         A. It's maybe five minutes, it's
6
     not too far.
7
         Q. Okay. And when you reached the
8
     stairs, I believe you said you were met
9
    by a waiter?
        A. Yes.
10
11
         Q. And you were greeted and you
12
     were brought into a room?
13
         A. Yes.
         Q. Okay. Do you know who --
14
15
    withdrawn.
16
            When you arrived to that room,
     was there anybody physically in there
17
     at that point?
18
        A. As we walked in?
19
20
         Q. Yes.
         A. No.
21
22
         Q. It was empty?
23
        A. Yeah.
24
         Q. You were the first three people
     to walk into that room?
25
```



```
Page 47
1
                      D. PARK
2
         A. Yes.
3
         Q. And then there came a point in
     time where a delivery was made of food?
4
5
         A. Food then the drink.
         Q. Do you know if anybody ordered
6
7
    those?
8
        A. Mr. Hong.
9
         Q. Mr. Hong?
         A. Yeah.
10
11
         Q. Okay. And how many Johnnie
12
     Walkers were served?
13
         A. Two bottles.
14
         Q. At one shot?
         A. No, no. After finishing one, we
15
16
    had a second.
17
         Q. A second bottle?
18
         A. Yeah.
19
         Q. And how long were you in that
20
     room when somebody else joined you?
21
         A. 10 minutes, 10, 15 minutes.
22
         Q. Who joined you after 10 minutes?
23
         A. The girls who were working at
    the karaoke bar.
24
25
               MR. WEISSLER: I'm sorry?
```



```
Page 48
1
                      D. PARK
2
               MS. NICOLAOU: "The girls
3
         who were working in the karaoke
        bar."
4
5
         Q. You refer to them as the
     "service girls," right?
6
         A. Yes.
7
8
         Q. To your understanding, these
9
     girls job's to sit next to you and pour
     drinks?
10
11
         A. Yes.
12
         Q. And they provide no other
13
     service other than pouring drinks?
14
         A. No other service.
15
         Q. Are those women prostitutes?
16
         A. Not that I know.
17
         Q. Did they perform any sexual acts
     to you or anybody in the room?
18
19
        A. No.
20
         Q. And they stayed in that room,
21
     right?
22
         A. Yes.
23
         Q. And they sat next to you and
24
     they reached over and they handed you
     the drinks and poured you the drink?
25
```



```
Page 49
                      D. PARK
1
2
         A. Yes.
3
         Q. And that's all they did?
4
         A. We sanq.
5
         Q. They sang?
6
         A. Karaoke bar.
7
         Q. So you actually did karaoke?
8
         A. Yes.
9
         Q. That's the first one I heard.
10
    After the server girls came in 10, 15
11
    minutes later, when was the next time
     somebody else came into that room?
12
13
         A. Waiter, I think, waiter.
14
         Q. Okay.
15
         A. They came to see if we needed
16
     anything else.
17
         Q. When the waiter came in to see
     if you needed anything else, did you
18
     tell them you did or didn't?
19
20
               MR. COHEN: Objection to the
21
         form.
22
         Q. What did you tell them?
         A. If we needed more food, ice,
23
24
     water.
25
         Q. At what point did Mr. Shin enter
```



```
Page 50
1
                      D. PARK
2
    your room?
3
         A. It was about 20, 30 minutes
     after I met him in the restroom.
4
5
         Q. Okay. So how long were you in
6
     that room before you physically left
     that room to go to the restroom?
7
8
         A. Probably about an hour.
9
         Q. So you were in that room for an
10
    hour. And in that room for an hour, I
11
     want to know, how many drinks did you
12
    have?
         A. Maybe five glasses.
13
14
         Q. Five glasses of whisky, right?
15
         A. Yeah.
16
         Q. And at that point did you finish
17
     the bottle -- by the time you left the
18
     room, did you finish the bottle?
19
         A. One hour, no, I don't think so.
20
         Q. So you, alone, maybe had five
21
     glasses of Soju?
22
         A. Right.
23
         Q. And how do you drink your
    whisky?
24
         A. On the rocks.
25
```



```
Page 51
1
                      D. PARK
2
         Q. On the rocks?
3
         A. Yeah.
         Q. And the glasses, they call them
4
     ball --
5
6
                MR. COHEN: Highball.
7
         Q. Are they Highball glasses?
8
         A. (Indicating.)
9
                MS. BERKOWITZ: Indicating
         with his hand.
10
11
         Q. They're basically round?
12
         A. Right.
13
         Q. And they're round glasses that
     are about three to four inches from the
14
15
     bottom to the top, giver or take?
16
         A. Right.
17
         Q. They're usually used for things
18
     like whisky; is that right?
19
         A. Yes.
20
         Q. Have you ever heard of the term
     "Highball"?
21
22
         A. No.
23
         Q. And you drank five of those; is
     that right?
24
25
         A. Yes.
```



```
Page 52
1
                      D. PARK
         O. And this is in addition to the
2
3
     14 shots of vodka?
        A. Yes.
4
5
         Q. Do you usually drink this much?
6
         A. No, that was more than I can
7
    handle that night.
8
         Q. When you normally drink, how
9
     much do you drink?
10
         A. One bottle of Soju.
11
         Q. Would it be fair to say that the
12
     amount of alcohol you had that evening
     is an unusual amount?
13
14
        A. Yes.
15
         Q. Something you don't normally
16
    have?
17
         A. Right.
18
         Q. Something you're not used to
19
    having?
20
         A. Yes.
21
         Q. And you're how tall?
22
         A. 5'4.
23
               MR. WEISSLER: How tall?
24
               THE WITNESS: 5'4.
25
         Q. And how much do you weigh?
```



```
Page 53
1
                      D. PARK
2
         A. 170.
3
         Q. Is that how much you weighed
     back in 2017?
4
5
         A. About.
         Q. 14 glasses of vodka, five
6
7
     glasses of whisky, did you have
     anything else to drink?
8
9
         A. No.
         Q. Was there beer on that table?
10
11
         A. I don't remember but I don't
12
     think so.
         Q. Have you ever heard of Coors
13
     Light and whisky being mixed together?
14
         A. Yes.
15
16
         Q. Is that something that you've
17
     normally seen done?
18
         A. I seen it but not no more.
19
         Q. Do you do that?
20
         A. I have.
21
         Q. Does it taste good?
22
         A. No.
23
         Q. I didn't think so. But you don't
    recall seeing Coors Light, right?
24
25
         A. No, I don't think so.
```



```
Page 54
1
                      D. PARK
2
         Q. Okay. And you -- after having
3
     14 shots of vodka, five glasses of
4
    whisky, you leave the room, go to the
5
    bathroom, would you say you were more
6
     drunk at that point then you were when
    you arrived?
7
8
        A. Yes.
9
         Q. And did you bump into Mr. Shin
     on your way to the bathroom or when you
10
11
    were in the bathroom?
         A. I think it was on my way to the
12
13
    restroom.
14
         Q. You remember seeing him in the
15
    hallway?
16
         A. Yes, in the restroom.
17
         Q. You saw him in the bathroom?
18
         A. Yes.
         Q. And at that point, did you then
19
20
     invite him to come to your room?
         A. No.
21
22
         Q. You never said come back to my
23
    room, I want to introduce you to Young
24
    Lee?
25
         A. Right, never said that.
```



	Page 55
1	D. PARK
2	Q. Did you greet him?
3	A. Yes.
4	Q. How did Mr. Shin look?
5	A. Drunk.
6	Q. If you were to gauge who was
7	more drunk, who would it have been, you
8	or him?
9	A. About the same.
10	Q. About the same?
11	A. Yeah.
12	Q. And at that point you left and
13	you went straight back to your room?
14	A. Yes.
15	Q. And I believe you said Mr. Shin
16	stopped you?
17	A. No, he didn't follow me, he came
18	maybe 20 minutes later to my room
19	because we were basically next to each
20	other, he was in the next room so.
21	Q. Okay.
22	A. I knew I was there, he knew I
23	was here.
24	Q. So 20 minutes later, Mr. Shin
25	after you returned to your room



```
Page 56
                      D. PARK
1
2
    Mr. Shin enters your room, so would it
3
    be fair to say at that point you were
4
    in the room for about an hour and a
    half?
5
6
        A. Yes.
7
         Q. And what does he do when he
8
     enters?
9
         A. Just say, "Hello," it's obvious
10
     I introduced Mr. Hong -- Mr. Lee to
11
    Mr. Shin, they say hello to each other,
12
     I start having some conversations.
13
         Q. You have conversations. When
    Mr. Shin entered that room 20 minutes
14
15
    later, was he holding a drink in his
16
    hand?
17
         A. No, I don't think he brought any
18
    drink. Maybe -- I think we gave him a
19
    drink.
20
         Q. Okay. So you poured him a drink
21
     in the same glass you were using?
22
         A. Yeah.
23
         Q. How did he drink his whisky?
24
        A. On the rocks, I think.
25
         Q. You specifically remember?
```



```
Page 57
1
                      D. PARK
2
         A. Yes, yes.
3
         Q. He had it on the rocks?
4
         A. Yes.
5
         Q. But you didn't remember seeing
     Coors Light, right?
6
7
         A. No, it was Johnnie Walker Blue.
8
         Q. I'm sorry?
         A. It was Johnnie Walker Blue.
9
         Q. I didn't --
10
11
               MS. BERKOWITZ: Johnnie
12
        Walker Blue.
         Q. And how long did he stay in your
13
14
     room for once he arrived?
15
         A. 15, 20 minutes.
16
         Q. Not long?
17
         A. Not too long.
18
         Q. And then -- did somebody come
     get him or did he just get up and leave
19
20
    on his own?
21
               MR. COHEN: Objection to the
22
         form.
23
         Q. How did he leave?
24
               MS. NICOLAOU: So he didn't
25
         stay in his room for over 20
```



```
Page 58
1
                      D. PARK
2
         minutes so I'm not sure what's
3
         wrong with the form of the
4
         question.
5
               MR. WEISSLER: Break up the
6
         two questions.
7
         Q. How did Mr. Shin leave the room?
8
               MR. COHEN: If you know.
         Q. Obviously everything is based on
9
     what you remember, doesn't need to be
10
11
     told.
12
         A. I think somebody came to get
13
     him.
14
         Q. Somebody came to get him?
15
         A. Yes.
16
         Q. Do you know who?
17
         A. Probably John -- John Kim.
18
         Q. How do you know John Kim?
19
         A. He was working in the bank.
20
         Q. How long have you known him?
21
         A. If you ask me number of years,
22
     maybe five.
23
         Q. Do you have any business
     accounts with Noah Bank?
24
25
         A. No.
```



```
Page 59
1
                      D. PARK
2
         Q. Do you have any financial loans
3
     with them?
        A. No.
4
5
         Q. Anything like that, personal
6
     loans?
7
        A. Nothing.
8
         Q. Okay. And you recall John Kim
9
    walking into that room, came to get him
     to leave?
10
11
         A. Right.
12
         Q. And at that point you were
13
     awake; fair to say?
14
         A. Fair to say, yes.
15
         Q. So you have that recollection
     even though you were barely awake, that
16
17
     somebody came in to take Mr. Shin out
18
     and that somebody being Mr. John Kim;
19
     is that right?
20
         A. Yes.
21
         Q. And at that point, when you saw
     John Kim walk in and asked Mr. Shin to
22
     come out with him, how many drinks did
23
24
    you have at that point in total? So we
     already have the five; how many more
25
```



```
Page 60
1
                      D. PARK
2
     did you have after that?
3
         A. Maybe three more or two more,
4
     not much.
5
         Q. Is there a point in time where
6
     you just stopped counting how many
     drinks you had?
7
8
         A. From the beginning don't
9
     count(sic).
10
         Q. You don't normally pay
11
     attention?
12
         A. No.
13
         Q. Is it fair to say the numbers
     you're giving me, the 14 shots, the
14
15
     five to seven or eight drinks, is a
    best ability for you to estimate?
16
17
         A. Yes.
         Q. So you don't specifically
18
     remember how many drinks that you had?
19
20
         A. Right.
21
         Q. You don't specifically remember
     down to the last glass how many drinks
22
23
     Mr. Lee had; is that right?
24
               MR. COHEN: Objection to the
25
         form.
```



```
Page 61
                      D. PARK
1
2
         A. I would not count.
3
         Q. I'm sorry?
4
         A. I did not count.
5
         Q. So you didn't sit there, here's
6
     number one, here's number two, here's
     number three; is that right?
7
8
               MR. COHEN: Objection to the
9
         form.
10
         A. Right.
11
         Q. So is it fair to say at one
12
     point in time you stopped paying
13
     attention to what everybody was
     drinking; is that right?
14
15
         A. I fell into sleep. I think
16
     after Mr. Shin left.
17
         Q. I understand you fell asleep and
18
     that's because you had drank too much
     alcohol; is that right?
19
20
         A. Yes.
21
         Q. Not what you're usually used to
22
     drinking; is that right?
23
         A. Yes.
24
         Q. So in addition to the 14 shots
     of Soju, excuse me, and about the eight
25
```



```
Page 62
1
                      D. PARK
     glasses of whisky, did you have
2
     anything else at that point, any other
3
4
5
         A. Any other drinks?
6
         O. Yes.
7
         A. No.
8
         Q. How many Johnnie Walker Blues
     were ordered for that room?
9
         A. I think it was two.
10
11
         O. Who ordered the second bottle?
12
         A. I don't remember.
13
         Q. And Mr. Hong ordered the first
     one, right?
14
15
         A. Assume it was Mr.
                                Hona.
16
         Q. How many drinks did you pour for
17
     yourself?
18
         A. Nothing.
         Q. So those women that were sitting
19
20
     next to you poured every single drink?
21
         A. Pretty much or Mr. Hong(sic).
22
         Q. Mr. Hong poured his own drinks?
23
         A. No, he poured me a drink.
         Q. How many drinks did Mr. Hong
24
25
     pour you?
```



```
Page 63
1
                      D. PARK
2
        A. I only remember two -- about
3
     two.
4
         O. And about what time did Mr. Kim
5
     come to get Mr. Shin; what time was
6
    that?
7
        A. My best estimate is about 11:30
8
     or 12.
        O. 11:30 or 12?
9
         A. Right, because I thought they
10
11
    were coming to leave, that's what my
12
    impression was.
13
        Q. And did you say "bye" to
14
    Mr. Shin?
        A. Yes.
15
         Q. And that was the last time you
16
17
     saw him?
18
        A. That night, yes.
19
         Q. So because you said, "Bye" to
20
    him, and it was the last time you saw
    him, would it be fair to say at that
21
22
    point when Mr. Shin left your room you
23
    were still awake?
24
        A. Yes.
25
         Q. You were?
```



```
Page 64
1
                      D. PARK
2
         A. Yes.
3
         Q. And your testimony was at one
     point you fell asleep on the couch?
4
5
         A. Yes.
6
         Q. And at that point, how many
7
     drinks had you consumed?
               MR. COHEN: Objection; asked
8
9
         and answered.
10
               MS. NICOLAOU: No, it
11
         wasn't, but note your objection.
12
         A. About seven, eight glasses.
13
         Q. That's pretty much all you
14
     consumed?
         A. Yes.
15
16
         Q. And when you woke up, it was
     about two in the morning?
17
18
        A. Yes.
19
         Q. And then you left?
20
         A. Yes.
21
         Q. And when you left, did you take
22
     the stairs down?
23
        A. Yes.
24
         Q. Were you still drunk?
25
         A. Yes.
```



```
Page 65
1
                      D. PARK
2
         Q. And would it be fair to say that
     you had no problem using the stairs
3
4
    that night?
5
               MR. COHEN: Objection to the
6
         form.
7
         Q. Taking into consideration your
8
     intoxicated state when you arrived and
9
     when you left, would it be fair to say
10
    that you were still able to maneuver up
11
    and down that staircase?
12
               MR. COHEN: Objection to the
13
         form.
14
         A. I think the waiter helped me get
15
    downstairs.
16
         Q. Because you were drunk?
17
         A. Right.
18
         Q. Okay. Fair enough.
19
            But when you were going up, you
20
    were able to do it on your own?
         A. Yes.
21
22
         Q. Okay. Do you know
23
    Mr. Chung Lee?
24
         A. Chung Lee is the owner of the
    building -- the new owner of the
25
```



```
Page 66
1
                      D. PARK
2
     building.
3
               MR. WEISSLER: Can you read
4
         back the answer?
5
               (Whereupon, the record was
6
         read by the reporter.)
7
         Q. Did you know Chung Lee that
8
     night?
9
         A. I knew him before that night.
         Q. How long have you known
10
11
     Mr. Chung Lee for?
12
         A. Maybe one year.
13
         Q. How long -- oh, by that time it
14
     was about a year you've known him?
15
         A. Yes, yes.
         Q. Okay. And how do you know
16
17
     Mr. Chung Lee?
18
         A. I have my school friend who is
19
     pretty close to Mr. Lee so I met him a
20
     couple of times.
21
         Q. Do you have a business
22
     relationship with Mr. Lee?
23
         A. No.
24
         Q. So you've never been his
     accountant whether personally or
25
```



```
Page 67
1
                      D. PARK
     professionally -- I mean for his
2
3
     business, excuse me?
4
         A. No.
5
         Q. Who's the friend that you have
6
     that's pretty close to him?
         A. Mr. Jung, J-U-N-G.
7
8
         Q. Who is he?
9
         A. My high school friend.
         Q. When was the first time you
10
11
     learned about Mr. Shin's accident?
12
         A. Next day.
13
         Q. How did you learn?
14
         A. Mr. Jung.
15
         Q. Mr. Jung told you?
16
         A. (No audible response.)
17
         Q. Is that a yes, Mr. Jung told
18
    you?
19
         A. Give me a second, I think it was
20
    Mr. Lee, Chung Lee.
21
         Q. Mr. Lee?
22
         A. Yeah.
23
         Q. How did he tell you? Did he
     call you on the phone, did he see you?
24
25
         A. I think he called me on the
```



```
Page 68
1
                      D. PARK
2
     phone, he asked me what happened last
3
    night, and I said, "No," I was drunk, I
     went home and he said Mr. Lee told me
4
5
    Mr. Shin was hospitalized because he
6
     fell down the stairs.
7
         Q. Did Mr. Lee tell you why he fell
8
     down the stairs?
9
         A. No, I'm assuming at the time he
     was just really drunk and he fell down.
10
11
         O. Your assumption at the time was
12
     that he was drunk and fell down?
         A. Yes, and fell down.
13
14
         Q. Okay.
         A. And after a while, not that day
15
16
    but a few days I heard there was
17
     kicking, some people were saying there
18
    was a kicking(sic).
19
         Q. Have you ever seen any videos
20
     showing the fall?
         A. Yes.
21
22
         Q. Okay. And how did you see this
23
     video, who showed it to you?
24
         A. I don't know, I saw it.
         Q. It was shown to you by Mr. Cohen
25
```



```
Page 69
                      D. PARK
1
2
     or Mr. Basil?
3
         A. No.
4
         Q. Was it shown to you by Mr. Lee?
5
         A. Maybe Mr. Lee, but I don't
6
     remember when I say it.
7
         Q. Where were you when you saw it?
8
         A. I don't know. Somebody showed
    me on the telephone. I think somebody
9
10
     showed me on the telephone.
11
         Q. But you didn't see yourself in
    the video; is that right?
12
13
         A. No.
14
         Q. Did you see anybody you knew in
     the video?
15
16
         A. In the video, no, I wasn't there
17
     so.
18
         Q. Did you see anybody you knew in
19
     the video?
20
         A. John Kim.
         Q. John Kim?
21
22
         A. Mr. Lee, Young Lee.
23
         Q. Young Lee?
24
        A. That's what I saw.
25
         Q. Anybody else?
```



```
Page 70
1
                      D. PARK
2
         A. No.
3
         Q. So you didn't see Mr. Shin?
4
         A. Mr. Shin, yes, I saw.
5
         Q. Did you see Mr. Chung Lee?
6
         A. No.
7
         Q. Did you see Mr. Hong?
8
         A. No.
9
         Q. I'm going to show you just one
     quick snapshot of a video that was
10
11
     previously marked as Exhibit 1, March
     15th to -- that's not it -- of 2019.
12
13
               MR. WEISSLER: Off the
14
         record.
15
               (Whereupon, a discussion was
16
         held off the record.)
17
         Q. I'm going to show you -- I'm
18
     going to go from 10 seconds. All
19
     right.
20
            I'm going to show you -- I'm
21
     going to move it from nine seconds, I'm
22
     going to ask you to pay attention to
23
     the bottom right-hand corner?
24
               MR. COHEN: Before you
         answer; lack of foundation.
25
```



```
Page 71
                      D. PARK
1
2
               MS. NICOLAOU: What are you
3
         objecting to, Counselor, what is
         the foundation?
4
5
               MR. COHEN: You haven't
6
         shown that he has seen this
7
         video.
8
               MS. NICOLAOU: It's not the
9
         issue of seeing the video. I
10
         just need him to identify
11
         somebody in the video; end of
12
         story.
13
               MR. COHEN: Objection; lack
14
        of foundation.
15
         Q. To nine seconds, sir, do you
16
     see, as I'm toggling between nine
17
     seconds and 10 seconds, do you see this
18
    gentleman over here in the bottom
19
    right-hand corner?
20
         A. Okay.
21
         Q. Seems to be an older gentleman
22
     in the glasses, green shirt, and a
    black jacket; do you see that?
23
24
        A. Yes.
         Q. Do you know who that is?
25
```



```
Page 72
1
                      D. PARK
2
         A. No.
3
         Q. Do you know if that's Mr. Hong?
4
               MR. COHEN: Objection;
5
         object to the form. He said he
6
         doesn't know who it was.
7
         Q. Do you know if it was Mr. Hong?
8
         A. I don't think so.
9
         Q. So you've never seen this person
    before?
10
11
               MR. COHEN: Objection to the
12
         form.
         A. It would be so discreet.
13
14
         Q. I'm going to hit play because
15
    he's in this video for about two
16
     seconds so I'm just going to hit play.
17
    Are you able to recognize who that
18
    gentleman is?
19
         A. The person who disappeared?
20
         Q. Yeah, the one who disappeared
21
     off camera.
22
         A. No.
         Q. Okay. That's fine, that was my
23
24
     only question.
25
            Did you handle the closing of
```



```
Page 73
1
                      D. PARK
2
     the property where this accident
3
     occurred from Mr. Chung Lee?
         A. No.
4
5
         Q. Did you handle any of the
6
     accounting work for the property?
7
         A. No.
8
         Q. Have you -- do you know who the
9
     prior owners were?
10
         A. No.
11
         Q. Do you know anybody by the name
12
     of Mitchell Wang?
13
         A. I don't know.
14
         Q. Or Dijon Wang?
         A. No.
15
         O. Richardson Trust?
16
17
         A. No.
18
         Q. For how many years have you been
     going to this karaoke bar?
19
20
         A. Maybe five.
21
         Q. When was the last time you were
22
     there?
23
         A. About a year ago.
         Q. After the accident?
24
25
         A. After the accident.
```



```
Page 74
1
                      D. PARK
2
         Q. Do you recall when you were
3
     there a year ago, do you remember
4
     anything different about the staircase
5
     when you went there?
6
         A. It was the same set up, I don't
7
    know if they changed something.
8
         Q. Do you know if it was changed at
9
     all, whether that be cosmetically,
10
     structurally, or something else?
11
         A. I don't think so.
12
         Q. You don't know one way or the
     other?
13
14
        A. No.
15
         Q. Okay. All right.
            I have no further questions.
16
17
   EXAMINATION
18
   BY MR. WEISSLER:
19
         Q. What is your date of birth?
20
         A. XX - XX - 1967.
21
               MR. WEISSLER: And for
22
         purposes of the record, just put
23
         in the year.
24
         Q. And where were you born?
         A. South Korea.
25
```



```
Page 75
                      D. PARK
1
2
         Q. And when did you first come to
3
     the United States?
        A. 1983.
4
5
         Q. Eighty --
6
         A. 1983.
7
         Q. Are you a United States citizen?
8
         A. Now, yes.
9
         Q. When did you become a citizen?
         A. About 1900's, about 1991; I
10
11
     don't remember the exact year.
12
         Q. Okay. Were there any couches in
13
    the room where you were having the
14
     Johnnie Walker Blue?
15
         A. There were three sofas, we were
16
     sitting on the sofas.
17
         Q. And did you fall asleep on one
18
     of the sofas?
19
        A. Yes.
20
         Q. And did you have a table in that
     room where you were having the Johnnie
21
     Walker Blue?
22
23
         A. Table, no; sofa.
24
         Q. And when Mr. Shin came into the
     room, did he sit down on a sofa?
25
```



```
Page 76
1
                     D. PARK
2
         A. Yes.
3
         Q. Did you ever see any bill for
4
     what was consumed if had the room you
5
     occupied at the karaoke bar?
         A. No.
6
7
         Q. Okay. When you left the karaoke
8
     bar at around two in the morning, how
9
     would you describe the artificial
10
     lighting in the stairway? Was it
11
     light, dark, or any other term you want
12
    to use?
13
         A. I mean normal, I quess, normal
14
     staircase. It's not too dark, it's not
15
    too bright.
16
         Q. Okay. Were there any handrails
17
     for the stairway?
18
         A. I think so.
19
         Q. Okay. Were they on both sides
20
     of the stairway or only on one side or
21
     something else?
22
         A. From my other times there I
23
    believe there was only handrails on the
    one side. I don't know what it was
24
     that night.
25
```



```
Page 77
                      D. PARK
1
2
         Q. When you went to the restaurant
3
     on Northern Boulevard, how did you get
4
    there?
5
         A. I took the train from there to
6
    Flushing, 7 train.
7
         Q. Did anyone go with you on the
8
    train?
        A. No.
9
10
         Q. Who did you meet at the
11
    restaurant?
12
         A. Mr. Hong and other people
13
    basically because I didn't know anybody
14
    over there so.
         Q. When you say "other people" did
15
16
     that include Mr. Young Lee?
17
        A. Yes.
18
         Q. Had you ever met Mr. Young Lee
19
    before that evening?
20
        A. No.
         Q. And at that time, did you know
21
22
    what type of business Mr. Young Lee was
23
    in?
         A. I didn't ask him but I just
24
25
     assumed that he was -- everybody there
```



Page 78 D. PARK 1 2 was running a salad bar. 3 Q. And the -- how many girls were there in the room where you had the 4 5 Johnnie Walker Blue? A. I think it was three because 6 there was three of us. 7 8 Q. Did you ever go into any other 9 rooms other than the bathroom during 10 the time that you were at the karaoke 11 bar? A. I don't remember, no, I don't 12 think so. 13 14 Q. Okay. Did there come a time 15 that you learned that Mr. Shin had been 16 in another room? 17 A. Yes, I went to the restrooms so 18 he told me he was in another room. 19 Q. Did you ever go into that room? 20 A. I don't remember, maybe, maybe 21 not. 22 Q. When you went to the bathroom, 23 did you throw up? A. I don't think so. 24 Q. Okay. And when you went to the 25



```
Page 79
1
                      D. PARK
2
     bathroom, did you see Mr. Shin throw
3
    up?
         A. No.
4
5
         Q. Okay. When you referred to the
6
     Noah Bank, is that a capital N small,
    O-A-H, or is it all capitals?
7
8
         A. Capital N, small letter, O-A-H.
9
         Q. I have nothing further, thank
10
    you.
11
12
   EXAMINATION
   BY MS. NICOLAOU:
13
14
         Q. I just have a follow-up
15
    question.
16
            I'm going to show you what's
17
     been marked as Defendant's Exhibit H on
18
     February 1st, 2019. Do you recognize
19
     what's depicted in this photograph?
20
         A. Okay.
21
         Q. Do you recognize what's depicted
22
     in this photograph?
23
        A. Correct, this picture.
24
         Q. Yes.
25
         A. Looks like the way downstairs.
```



```
Page 80
                      D. PARK
1
2
         Q. From the karaoke bar, right?
3
         A. Right.
4
         Q. Does this refresh your
5
     recollection -- is this a fair and
     accurate description of what the
6
7
     staircase looked like back in April of
8
     2016?
9
         A. I think so, yes.
         Q. Do you see two handrails on the
10
11
     top of the staircase?
12
         A. Yes.
13
         Q. Going from the top of the
14
     staircase down?
15
        A. Yes.
16
         Q. And does this refresh your
17
     recollection that on April of 2016,
18
     there were two handrails?
19
         A. (No audible response.)
20
         Q. Does it -- "yes" or "no," sir.
21
         A. It doesn't refresh my
     recollection but I just always remember
22
     that I was leaning towards the left.
23
24
         Q. When you were leaving you were
25
     leaning on the left-hand side?
```



```
Page 81
1
                      D. PARK
2
         A. I may be wrong.
3
         Q. Is it fair to say you really
     have no recollection whether there was
4
5
     one or two that night?
6
         A. Maybe, yes.
7
         Q. Okay. And you see how there's
8
     carpeting on the staircase, sir?
9
         A. Okay.
10
         O. Does this look like the
11
     carpeting that was on the staircase
12
    back in April of 2016 or you do not
13
    know?
14
         A. There was carpet but I don't
15
    remember the colors.
16
         Q. But you recognize this to be the
17
     staircase?
18
        A. Yes.
19
         Q. From the karaoke bar leading to
20
    the street level; is that right?
         A. Yes.
21
22
    EXAMINATION
23
   BY MR. COHEN:
24
         Q. Mr. Park, was there an elevator
25
     in the building where the karaoke bar
```



```
Page 82
1
                      D. PARK
     is?
2
3
         A. As I told her, there was an
4
     elevator as you walk in from the street
5
    but it looks like it's always broken.
6
     I never tried to get on it.
7
         Q. And why do you say it looks like
8
     it's always broken?
         A. There's no light. Looking at it
9
     from outside, I didn't see any light
10
11
    and I never saw anybody riding it
    anyway so, I just assumed to walk up?
12
13
         Q. Thank you.
14
   EXAMINATION
   BY MS. NICOLAOU:
15
16
         Q. Mr. Park, if I were to tell that
17
    Mr. Shin testified that every time he
    always used the elevator and did not
18
19
    use the staircase?
20
         A. Okay.
         Q. If I were to tell you that, do
21
22
     you recall whether or not Mr. Shin had
23
     ever said something similar to you in
24
    the past?
25
         A. No, I don't think so, we never
```



```
Page 83
                      D. PARK
1
2
     talked about an elevator.
3
         Q. Is there a button to press the
4
     elevator to go up and down?
5
         A. I'm sure there was.
6
         Q. Did you ever press it?
7
         A. No.
8
         Q. Would it be fair to say that you
9
     just assumed --
10
        A. Yes.
11
         Q. -- whether correctly or
12
     incorrectly that there was something
    wrong with the elevator?
13
14
        A. Yes.
15
         Q. And you never tried to use the
16
     elevator?
17
         A. Yes.
18
         Q. You just chose the staircase to
     go up to the second level and down to
19
20
    the first level, correct?
21
         A. Yes.
22
         Q. Okay. Thank you.
23
            I have no further questions.
24
   EXAMINATION
25
   BY MR. COHEN:
```



```
Page 84
1
                      D. PARK
2
         Q. I believe you testified that
3
     when you went into the karaoke bar, you
4
     said you were greeted by someone
5
     working for the karaoke bar?
6
         A. The waiter.
7
         Q. And did they escort you to the
8
     room?
         A. Yes.
9
10
         Q. Did you ever go over to the
11
     elevator and press the button for the
12
    elevator?
13
        A. No, never.
14
         Q. Nothing further.
15
   EXAMINATION
16
   BY MS. NICOLAOU:
17
         Q. Are you referring to the waiter
18
    on the second floor?
19
            Just to be clear, when you went
20
    up to the second floor, when you came
21
     up the staircase, you were greeted by a
22
     waiter?
23
        A. Yes.
24
         Q. And then you were escorted into
25
     your room?
```



```
Page 85
1
                       D. PARK
2
         A. Yes.
         Q. You didn't need the elevator at
3
4
    that point?
5
         A. When I walk up.
         Q. You didn't need the elevator at
6
7
    that point?
8
         A. No.
9
         Q. Okay. Thank you.
            (Time noted: 3:10 p.m.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
```



```
Page 86
1
                INSTRUCTIONS TO WITNESS
2
3
             Please read your deposition over
4
5
   carefully and make any necessary corrections.
   You should state the reason in the appropriate
6
   space on the errata sheet for any corrections
7
   that are made.
8
9
             After doing so, please sign the
   errata sheet and date it.
10
             You are signing same subject to the
11
12
   changes you have noted on the errata sheet,
   which will be attached to your deposition.
13
             It is imperative that you return the
14
   original errata sheet to the deposing attorney
15
   within thirty (30) days of receipt of the
16
   deposition transcript by you. If you fail to
17
   do so, the deposition transcript may be deemed
18
19
   to be accurate and may be used in court.
20
21
22
23
24
25
```



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1	
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3	
4 PAGE LINE CHANGE	
5	_
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25	_



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1	
2	A C K N O W L E D G E M E N T
3	STATE OF NEW YORK)
4	: SS
5	COUNTY OF)
6	I, DANIEL PARK, hereby certify that I have
7	read the transcript of my testimony taken
8	under oath on May 21, 2019, that the
9	transcript is a true, complete and correct
10	record of what was asked, answered and said
11	during my testimony under oath, and that the
12	answers on the record as given by me are true
13	and correct, except for the corrections or
14	changes in form or substance, if any, noted in
15	the attached Errata Sheet.
16	
17	
18	DANIEL PARK
19	
20	Signed and subscribed to
21	before me, this day
22	of
23	
24	
25	Notary Public



```
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7
                                        8 1
   MS. NICOLAOU
                                        8 4
8
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9
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                                        PAGE
10
     (Whereupon no exhibits were marked at the
11
                   present time.)
12
13
14
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16
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1
               CERTIFICATE
2
3
       I, CHRISTA M. MILOSCIA, a shorthand
   reporter and Notary Public within and for the
4
   State of New York, do hereby certify:
5
6
      That the Witness(es) whose testimony is
7
   hereinbefore set forth was duly sworn by me,
   and the foregoing transcript is a true record
9
   of the testimony given by such Witness(es).
10
      I further certify that I am not related to
11
   any of the parties to this action by blood or
12
   marriage, and that I am in no way interested
    in the outcome of this matter.
13
14
15
16
17
18
19
20
                  Christa Meloscia
21
22
23
                    Christa M. Miloscia, a Court
24
                    Reporter and Notary Public
25
                    Date:
```



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